

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**ERIC WALLACE, et. al., on behalf of
themselves and others similarly situated, and
DISABILITY RIGHTS
MISSISSIPPI**

PLAINTIFFS

VS.

**CIVIL ACTION NO.3:21-CV-516-CMR-LGI
DEFENDANTS**

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS, NATHAN “BURL”
CAIN, in his official capacity as
Commissioner of the Mississippi
Department of Corrections, JEWORSKI
MALLET, in his official capacity as Deputy
Commissioner of Institutions, DONALD
FAUCETT, in his official capacity as Chief
Medical Officer, VITALCORE HEALTH
STRATEGIES, LLC, JOHN & JANE DOE
DEFENDANTS, and XYZ CORPS.**

SECOND MOTION FOR EXTENSION OF TIME TO SERVE PROCESS

COME NOW, Plaintiffs, by and through their attorney of record, and pursuant to Federal Rules of Civil Procedure Rules 4 and 6, along with any other applicable rules, files this *Second Motion for Extension of Time To Serve Process*, and in support thereof, would respectfully show unto this Honorable Court the following, to-wit:

1. On or about August 9, 2021, the Plaintiffs filed their Complaint against Defendants in the above-styled and numbered action. *[See Docket No. 1]*.
2. On or around October 14, 2021, Plaintiffs filed their first Motion for Extension of Time to Serve Process *[See Docket No. 3]*. This Motion was granted by the Court, permitting an extension of service until February 7, 2021.
3. Defendants have not been served with process in this matter.

4. As mentioned in Plaintiffs' previous filing, counsel for all Defendants¹ have contacted the undersigned attorney to discuss the potential resolution of selected enumerated matters and issues outlined in the Plaintiff's Complaint previously filed in this matter.
5. These meetings are still taking place and being negotiated. In fact, all parties have agreed to meet on February 7, 2022 to address the mental health claims outlined in Plaintiffs' Complaint.
6. Given the rising COVID numbers and the holiday season as well as the numerous individuals that participate in these meetings, it has taken some time to schedule.
7. In that regard, Plaintiffs would request one final 60-day extension of time to serve Defendants from the original date granted by this Court, or until April 8, 2022.
8. Again, if these discussions prove that certain issues in the Complaint have been resolved and/or any agreement is reached with regard to the concerns outlined, Plaintiffs will need the additional time to amend their Complaint accordingly.
9. This request is made solely in the interests of justice, and is in no way an attempt to delay the litigation of this matter in any way.
10. Further, the Defendants have not been served in this matter and will in no way be prejudiced by this extension of time.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that this Honorable Court enter an Order granting Plaintiffs' Second Motion for an Extension of Time to Serve Process to provide an additional sixty (60) days to complete service, or until April 8, 2022, as

¹ Assistant Attorney General Doug Miracle, representing MDOC Defendants, initially contacted DRMS on or around September 15, 2020 which has resulted in additional communications and a meeting which included additional attorneys from the Office of the Attorney General as well as counsel for VitalCore Health Strategies, LLC. An initial meeting between all attorneys was held on September 28, 2021 with an agreement to establish additional meetings to discuss each claim set forth by the Plaintiffs' Complaint. Subsequent meetings have occurred since that time and one meeting is scheduled on February 7, 2022 to address the mental health claims.

provided herein and for such further relief consistent with this Motion, general or specific, which this Court may deem appropriate.

RESPECTFULLY SUBMITTED, this the 24th day of January, 2022.

Respectfully submitted,

BY: /s/ Greta Kemp Martin

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ATTORNEYS FOR THE PLAINTIFFS

CERTIFICATE OF SERVICE

I, undersigned counsel, do hereby certify that a true and correct copy of the foregoing has been filed with this Court's electronic filing system which automatically sends notification to all attorneys of record.

THIS the 24th day of January, 2022.

BY: /s/ Greta Kemp Martin

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